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February 1, 2023

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**BY ECF**

Hon. Sarah L. Cave  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Dorce, et al. v. City of New York, et al.*, No. 1:19-cv-02216 (JLR) (SLC)

Dear Judge Cave:

Plaintiffs, Municipal Defendants,<sup>1</sup> and Transferee Defendants<sup>2</sup> write pursuant to the Second Amended Case Management Plan (ECF No. 238) to report on the status of document discovery. The parties respectfully suggest that they submit a joint letter in two weeks' time on the status of document discovery.

**Plaintiffs' Productions**

**Plaintiffs' Statement:**

On January 31, 2023, Plaintiffs disclosed to Defendants that Plaintiffs have not withheld responsive documents on the basis of privilege, and accordingly have no privileged documents to log. *See* Amended Case Management Plan (ECF No. 232).

**Municipal Defendants' Productions**

**Municipal Defendants' Statement:**

In Municipal Defendants' (MDs) responses and objections to Plaintiffs' document requests, served in December 2021, MDs objected, with limited exceptions, to producing documents dated

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<sup>1</sup> "Municipal Defendants" refers to defendants the City of New York (the "City"), Louise Carroll, former Commissioner of the City's Department of Housing Preservation and Development ("HPD"), and Sherif Soliman, former Commissioner of the City's Department of Finance ("DOF").

<sup>2</sup> "Transferee Defendants" are BSDC Kings Covenant Housing Development Fund Company, Inc. ("BSDC") and Neighborhood Restore Housing Development Fund Corp. ("Neighborhood Restore").

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after the commencement of this lawsuit. In connection with negotiations concerning MDs' review of emails, Plaintiffs disputed this position and the parties agreed, in August 2022, to defer this dispute until after MDs had completed the agreed-upon document production. MDs substantially completed production of the agreed-upon documents on January 13, 2023. On January 17, 2023, Plaintiffs produced documents received from a third party relating to a TPT working group and requested that Municipal Defendants produce documents "concerning" this working group that post-date the filing of the lawsuit. On January 27, at MDs' request, the parties held a telephone conference during which MDs asked for, and Plaintiffs provided, additional information concerning this request. Plaintiffs also inquired, during the January 27 call, whether MDs could advise whether MDs are aware of other similar documents shared with the TPT working group beyond those included in Plaintiffs' January 17 production. MDs are considering both requests and will respond to Plaintiffs.

MDs will produce a privilege log in accordance with the amended deadline for service of privilege logs agreed to by all parties, as reflected in the proposed revised case management plan set forth in the joint status letter submitted to the Court on January 18, 2023 (ECF No. 237).

Plaintiffs' Statement:

Plaintiffs are reviewing Municipal Defendants' document production to assess Municipal Defendants' position that their production is substantially complete.

Plaintiffs did not receive Municipal Defendants' privilege log by January 31, 2023. *See* Amended Case Management Plan (ECF No. 232). On February 1, Plaintiffs asked Municipal Defendants to advise when they will make the required disclosure. Municipal Defendants contended that the January 31 disclosure deadline was superseded and extended, even though they had previously agreed to produce their privilege log by that deadline and did not seek an extension thereof. Municipal Defendants indicated they estimate producing their privilege log by February 17.

**Transferee Defendants' Productions**

Non-Municipal Defendants' Statement:

Non-municipal Defendants are in the process of preparing their next rolling production of documents to Plaintiffs. To date, Non-Municipal Defendants have produced more than 19,000 documents, and more than 92,000 pages. We remain on track to meet the Court's production scheduling but still anticipate that we will need additional time for production of privilege and redacted documents. We will meet and confer with Plaintiffs' counsel regarding privilege and redacted documents as the Court's schedule deadline approaches.

Plaintiffs' Statement:

Transferee Defendants have previously represented that they would produce documents every 7-10 days (*see* ECF No. 222). Transferee Defendants' last production was on January 17, 2023.

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Respectfully submitted,

**PLAINTIFFS**

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cc: Counsel of Record (via ECF)